

JUDGE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROGELIO MARTINEZ-MARTINEZ,

Defendant.

NO. CR10-5148RJB

ORDER GRANTING JOINT MOTION
TO EXTEND TIME TO FILE
INDICTMENT UNDER SPEEDY TRIAL
ACT

The Court, having considered the parties' Joint Motion To Extend Time To File
Indictment Under Speedy Trial Act finds that:

1. Mr. Rogelio Martinez-Martinez is charged by Information with two counts of
Eluding Examination at Entry (First and Second Offense), alleged to have occurred on or
about April 10, 1995, and September 5, 2001, in violation of Title 8, United States Code,
Section 1325(a)(2). Defendant was found on February 4, 2010, arrested and made his Initial
Appearance on March 3, 2010, at which time the Court ordered that the defendant be detained
in custody pending further proceedings, and Defendant executed a Waiver of Preliminary
Hearing.

1 2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed
2 within 30 days from the date on which the defendant was arrested or served with a summons
3 in connection with such charges. 18 U.S.C. §3161(b). Hence, at the present time, the United
4 States must obtain an Indictment in this case on or before April 3, 2010, to meet the
5 requirements of the Speedy Trial Act.

6 3. The defendant is diligently conducting an investigation into the circumstances
7 surrounding his situation at the time of his alleged offense. The defendant does not believe
8 that his investigation will be completed by the expiration of the time to obtain an Indictment.
9 The defendant believes that the results of its investigation will be essential to preparing his
10 defense, and may facilitate a resolution of this matter.

11 4. Accordingly, the parties are seeking an Order continuing the time within which
12 an Indictment must be filed on the ground that the “ends of justice served by taking such
13 action outweigh the best interest of the public and the defendant in a speedy trial,” as
14 permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(I) and (B)(iv).

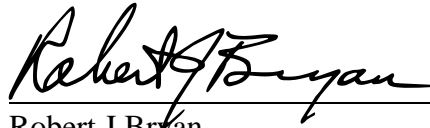
15 5. Given that the defense’s investigation remains incomplete, the parties believe
16 that the failure to grant this extension would deny the defense the reasonable time necessary
17 for adequate and effective preparation, taking into account the exercise of due diligence. The
18 parties believe that a denial of a continuance would result in a miscarriage of justice.

19 6. The defendant has executed a Waiver of Speedy Trial waiving rights under the
20 Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and has
21 further agreed that the period from April 3, 2010, until and including June 30, 2010, shall be
22 an excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C.
23 §3161(h)(7)(A).

24 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an indictment
25 be continued to and including June 30, 2010. The period of delay resulting from this
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1 continuance from April 3, 2010, to and including June 30, 2010, is hereby excluded for speedy
2 trial purposes under 18 U.S.C. § 3161(h)(7).

3 DONE this 31st day of March, 2010.
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8 Robert J Bryan
9 United States District Judge
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11 Presented by:
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13 /s/ Colin Fieman
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Colin Fieman

15 Attorney for Defendant
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17 /s/ John C. Odell
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John C. Odell

19 Assistant United States Attorney
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